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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,149	03/12/2001	Mitsuhiko Yoshimura	500.39846X00	3259

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/803,149

Applicant(s)
Yoshimura et al

Examiner
Etienne P LeRoux

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2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 6-9 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by USPAT 6,453,353 issued to Win et al (hereafter Pat '353).

Regarding claim 1, Pat '353 discloses:

means for storing dispersed data [col 2, lines 44-45],

means for storing a dispersed data access privilege, said dispersed data access privilege being an access privilege to the dispersed data [col 2, lines 54-56],

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making connection with dispersed data identification information for identifying a user, or user processing apparatus permitted to access the dispersed data [col 2, lines 57-62],
a dispersed data operating right indicative of operation contents by which the user or the user processing apparatus indicated by said dispersed data identification information are permitted to operate the dispersed data [col 2, lines 57-62],
said multi-database processing apparatus includes: means for receiving a plurality of the dispersed data from said plurality of database apparatuses, means for integrating said plurality of received dispersed data to generate integrated data [col 5, lines 1-11],
means for storing an integrated data access privilege, said integrated data access privilege being an access privilege to the integrated data [Registry Repository 110, Fig 1]
means for receiving an access request, said access request being an access request for operating the integrated data from said user processing apparatus, and containing user identification information for identifying a user of the user processing apparatus concerned or the user processing apparatus concerned [col 5, lines 21-32].

Regarding claim 1, examiner maintains that in the referenced patent '353 that *making connection with integrated data identification information for identifying a user or user processing apparatus permitted to access the integrated data and an integrated operating right indicative of operation contents by which the user or user processing apparatus indicated by said integrated data identification information are permitted to operate the integrated data, and furthermore, means for controlling operation indicated by said access request and respectively*

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applied to said plurality of dispersed data constituting the integrated data by using said dispersed data access privilege and said integrated data access privilege is inherent. Examiner notes, the MPEP § 2112.01 states “[w]here the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). ‘When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not.’ *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990).”

Regarding claims 6-8 and 14-17, Pat ‘353 discloses limiting the operation indicated by the access request [col 4, lines 38-40].

Regarding claim 9, Pat ‘353 discloses:

means for receiving dispersed data [col 2, lines 44-45]

means for receiving access-privilege to the dispersed data [col 2, lines 54-56]

means for integrating dispersed data [col 5, lines 1-11]

means for storing an integrated data access privilege [Registry Repository 110, Fig 1]

means for receiving an access request [col 5, lines 21-32]

means for controlling operation indicated by the access request [col 5, lines 21-32]

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 6,453,353 issued to Win et al, (hereafter Pat '353) in view of USPAT 6,519,587 issued to Blinn et al (hereafter Pat '587).

Regarding claims 2, 4, 10 and 12, Pat '353 discloses the essential elements of the claimed invention per supra paragraph 2 except for SELECT. Pat '587 discloses SELECT [col 3, line 38]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '587 to include SELECT as taught by Pat '587 for the purpose of performing a search [col 3, line 31].

Regarding claims 3, 5, 11 and 13, Pat '353 discloses updating [col 11, lines 21-32].

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USPAT 6,496,575 issued to Vasell et al, Application and Communication Platform for Connectivity Based Services discloses mechanisms for authentication, authorization and access control which are integrated within the service gateway system design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

March 3, 2003



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100